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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

PLAFSKY FAMILY LLC RETIREMENT PLAN;  
ROBERT PLAFSKY, in his capacity as Trustee for  
the Plafsky Family LLC Retirement Plan; ESTATE  
OF NATHAN PLAFSKY; ROBERT PLAFSKY,  
in his capacity as Personal Representative of the  
Estate of Nathan Plafsky; and EDNA KAMINSKI,

Defendants.

Adv. Pro. No. 10-05150 (SMB)

**STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT**

**WHEREAS**, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against defendants Plafsky Family LLC Retirement Plan, Robert Plafsky, in his capacity as Trustee for the Plafsky Family LLC Retirement Plan, Nathan Plafsky, and Edna Kaminski; and

**WHEREAS**, Edna Kaminski died on June 22, 2014.

**IT IS THEREFORE MUTUALLY AGREED AND STIPULATED**, by and between the Trustee, and Kathryn L. Hvasta as the personal representative of the Estate of Edna Kaminski, as follows:

1. The Estate of Edna Kaminski<sup>1</sup> (the “Estate”), and Kathryn L. Hvasta, in her capacity as the personal representative of the Estate (collectively referred to as “Defendants”), are hereby substituted into this action in place of Edna Kaminski, deceased, and the Complaint shall be deemed so amended. Attached as Exhibit A to this Stipulation is the caption as amended removing Edna Kaminski and substituting the Estate of Edna Kaminski and Kathryn L. Hvasta, in her capacity as the personal representative of the Estate of Edna Kaminski.

2. The Clerk of the Court is hereby directed to amend the caption to remove Edna Kaminski and substitute the Estate of Edna Kaminski and Kathryn L. Hvasta, in her capacity as the personal representative of the Estate of Edna Kaminski, as reflected on Exhibit A to this Stipulation.

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<sup>1</sup> *In the Matter of the Estate of Edna C. Kaminski, Deceased*, Docket No. 245771, State of New Jersey, Middlesex County Surrogate’s Court.

3. Undersigned counsel for Defendants: (i) expressly represents that she has the authority to accept service of the Amended Complaint on behalf of Defendants, (ii) waives service of the summons and the Amended Complaint on behalf of Defendants, and (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants, and (iv) expressly agrees that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B), that the Trustee's right to amend under Federal Rule of Civil Procedure 15(a)(1)(A) or (B) is expressly reserved, and that the Trustee may file one amendment without leave of court in compliance with Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 6, 2015

New York, New York

BAKER & HOSTETLER LLP

BECKER & POLIAKOFF, LLP

By: /s/ Nicholas J. Cremona

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*Attorneys for Defendants Estate of  
Edna Kaminski and Kathryn L. Hvasta*

SO ORDERED.

Dated: January 6<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT “A”**

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in his capacity as Personal Representative of the  
Estate of Nathan Plafsky; ESTATE OF EDNA  
KAMINSKI; and KATHRYN L. HVASTA, in her  
capacity as Personal Representative of the Estate of

Adv. Pro. No. 10-05150 (SMB)

Edna Kaminski,

Defendants.